

REMARKS

In the final Office Action dated October 31, 2007 (paper no. 20071017), the Examiner rejected claims 1-2, 4, and 6-21 under 35 U.S.C. § 102(e) over U.S. Patent Application Publication No. 2005/0137939 to Calabria ("Calabria").

In addition, in the Advisory Action dated February 20, 2008 (paper no. 20080214), the Examiner made several observations about the way that the claims may be read. Applicants have amended the claims to address the Examiner's concerns.

In this response, applicants amend claims 1, 4, and 9-16. Claims 1-2, 4, and 6-21 are pending in this application. For at least the reasons discussed in detail below, applicants submit that the pending claims are in condition for allowance.

A. APPLICANTS' TECHNOLOGY

Applicants' technology provides a computer system that allows an advertiser to generate advertisement sets automatically, to calculate bid amounts for the advertisement sets based on profitability or some other financial measure, and then to select which advertisement sets are to be submitted to an advertisement placement service (e.g., a search engine service). Some advertisement placement services allow each advertiser to submit only one advertisement set per keyword. Thus, an advertiser would not be able to submit both an advertisement set with the keyword "Harry Potter" to advertise a certain book and an advertisement set with the keyword "Harry Potter" to advertise a certain DVD.

Once advertisement sets have been automatically generated for a keyword, applicants' technology determines whether an advertisement set is currently submitted to an advertisement placement service for that keyword. If an advertisement set is currently submitted for the keyword, applicants' technology does not submit another advertisement set for the keyword, thereby avoiding submission of conflicting advertisement sets for the same keyword. On the other hand, if no advertisement set is currently submitted for the

keyword, applicants' technology selects an advertisement set from among the multiple conflicting advertisement sets generated for the same keyword based, in part, on past successes of the advertisements. Because only one advertisement set is selected, submission of conflicting advertisement sets for the same keyword is avoided. After selecting an advertisement set, applicants' technology submits the advertisement set to an advertisement placement service for placement alongside content associated with the keyword.

B. CALABRIA

Calabria describes a keyword advertisement management system. Calabria automatically generates multiple bids for an advertisement to be placed in association with a search results list. For each advertisement, Calabria creates a list of possible keywords and estimates a click-through rate and a return on advertising investment (ROAI) for each advertisement-keyword pair. Based on this information, Calabria determines a recommended bid for each advertisement-keyword pair.

C. CLAIM AMENDMENTS

Claims 1-2, 4, and 6-21 stand rejected over Calabria under 35 U.S.C. § 102(e). Although applicants do not believe that amendments to the claims are necessary to patentably define over Calabria, applicants have amended the claims to address the concerns raised by the Examiner in the Advisory Action about the way that the claims may be read.

Applicants have amended the claims to clarify that the advertisement sets automatically generated by applicants' technology are each generated for the same advertiser. As amended, claims 1-2, 4, and 6-8 recite "a plurality of advertisement generators that each ... automatically generate an advertisement set for the advertiser." As amended, claims 9-21 recite "each advertisement set generated for the same advertiser."

In addition, applicants have amended the claims to clarify that each of the advertisement sets is generated for the same keyword. As amended, claims 1-2, 4, and 6-8 recite "a plurality of advertisement generators that each ... automatically generate an advertisement set for ... the keyword." As amended, claims 9-21 recite "each advertisement set generated for ... the same keyword." In contrast, Calabria does not disclose or suggest "each advertisement set [generated] for the [same] keyword." Calabria describes the converse of applicants' technology. Rather than generating multiple advertisements for the same keyword, Calabria describes generating multiple keywords for the same advertisement. Applicants can find nothing in Calabria that discloses or suggests "each advertisement set [generated] for the [same] keyword."

Applicants have also amended the claims to clarify how applicants' technology selects for submission to an advertisement placement service an advertisement set for which no conflicting advertisement set is currently submitted. As amended, claims 1-2, 4, and 6-8 recite "an advertisement manager" that "determines whether an advertisement set is currently submitted to an advertisement placement service for the keyword," and "when an advertisement set is not currently submitted to the advertisement placement service for the keyword, selects one of the generated advertisement sets for submission to the advertisement placement service." As amended, claims 9-21 recite "determining whether an advertisement set is currently submitted to an advertisement placement service for the keyword" and "when an advertisement set is not currently submitted to the advertisement placement service for the keyword, selecting one of the generated advertisement sets for submission to the advertisement placement service" "so that the selected advertisement set does not conflict with an advertisement set that is currently submitted to the advertisement placement service for the keyword."

Under applicants' technology, different advertisement sets are automatically generated by different advertisement generators for the same keyword. Because an advertisement placement service may only allow an advertiser to submit one advertisement set for a keyword, a conflict may occur if more than one advertisement set

were submitted for the same keyword. The pending claims are directed to a technique to avoid such a conflict. Applicants' technology first "determin[es] whether an advertisement set is currently submitted to an advertisement placement service for the keyword." Only "when an advertisement set is not currently submitted ... for the keyword" does applicants' technology "select[] one of the generated advertisement sets [for the keyword] for submission to the advertisement placement service." Applicants' technology thereby avoids a conflict by selecting only one of the multiple advertisement sets generated for the keyword for submission to the advertisement placement service. On the other hand, if an advertisement set is currently submitted to the advertisement placement service, a conflict is similarly avoided because applicants' technology does not submit another advertisement set for the same keyword.

Applicants can find nothing in Calabria that discloses or suggests "determin[ing] whether an advertisement set is currently submitted to an advertisement placement service for the keyword," or "when an advertisement set is not currently submitted ... for the keyword, select[ing] one of the generated advertisement sets for submission to the advertisement placement service." Indeed, as described above, Calabria does not contemplate that more than one advertisement set may be generated for a keyword, nor does it disclose a technique for avoiding a conflict that may occur if more than one advertisement set were to be submitted to an advertisement placement service for the same keyword.

D. CONCLUSION

Based upon these amendments and remarks, applicants believe that the pending application is in condition for allowance and respectfully request a prompt notice of allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

Please charge any deficiencies, or credit any overpayment, to our Deposit Account No. 50-0665, under Order No. 249768082US from which the undersigned is authorized to draw.

Dated: March 31, 2008

Respectfully submitted,

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